

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Dennis E. Hecker,

Debtor.

BKY No. 09-50779

Chapter 7

**NOTICE OF HEARING AND MOTION FOR ORDER
AUTHORIZING RULE 2004 EXAMINATIONS**

TO: Ralph Thomas, by and through his attorney of record, William R. Skolnick, Skolnick & Shiff, P.A., 2100 Rand Tower, 527 Marquette Avenue S., Minneapolis, MN 55402 and Ralph Thomas, 6263 N. Scottsdale Road, Scottsdale, AZ 85250; VisionBank, 3000 – 25th Street South, P.O. Box 10008, Fargo, ND 58106; and, James C. Gustafson, 10514 106th Plane North, Maple Grove, MN 55369.

1. Randall L. Seaver, the Chapter 7 Trustee of the above-captioned bankruptcy estate ("**Trustee**"), applies to the court for authorization to conduct a Bankruptcy Rule 2004 examinations. The examination for which authorization is sought is that of VisionBank, Ralph Thomas, and James C. Gustafson.

2. The Court will hold a hearing on this motion at 2:00 p.m. on March 10, 2010, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than March 5, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This case was commenced by the filing of a voluntary petition under Chapter 7 on June 4, 2009. The case is currently pending in this Court. This Court has jurisdiction over this application pursuant to 28 U.S.C. §157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1.

This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004. This Application is filed under Local Rule 2004-1(a).

5. Dennis Hecker and Ralph Thomas are longtime friends. Mr. Thomas has strong connections to VisionBank of Fargo, North Dakota. During the pendency of this case, it is believed that Mr. Thomas has provided the Debtor with at least \$150,000.00 and has repeatedly, either directly or indirectly, made offers to purchase assets from the estate.

6. As of February 3, 2010, Mr. Thomas is represented by the same attorney as the Debtor, William R. Skolnick. On that date, Mr. Skolnick notified Matthew Burton, counsel for the Trustee, who had previously been communicating directly with Mr. Thomas, that, "I have been retained by Mr. Ralph Thomas in regards to acquisitions of assets from the Dennis E. Hecker Bankruptcy Estate. This includes any offers made on his behalf or on behalf on his related entities. Since you are now aware of his being represented by a lawyer, you are not authorized to communicate directly with him."

7. Mr. Thomas is known to have maintained an account at VisionBank. The Debtor also maintained accounts, either individually, or through his businesses, with VisionBank.

8. The Trustee needs to obtain information from Mr. Thomas and VisionBank so that he can determine the assets of this bankruptcy estate and administer the estate.

9. Mr. Gustafson was a long time employee of a Hecker business entity and would have knowledge regarding Hecker's business or financial affairs. Additionally, the trustee has learned that Mr. Gustafson paid monies owed by Dennis Hecker to The Golf Club Scottsdale, within 30 days after Mr. Hecker's bankruptcy filing. Dennis Hecker did not disclose his ownership of a membership at The Golf Club Scottsdale in his schedules.

10. The Trustee gives notice that he may testify at the hearing of this matter.

WHEREFORE, the Trustee requests that the Court enter an order approving the Trustee's examination, pursuant to Bankruptcy Rule 2004, of VisionBank, Ralph Thomas, and James C. Gustafson.

**LEONARD, O'BRIEN,
SPENCER, GALE & SAYRE LTD.**

/e/ Matthew R. Burton

Dated: February 23, 2010

By: _____
Matthew R. Burton, #210018
Attorneys for Trustee
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, the Chapter 7 Trustee in the above-captioned matter state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on February 23, 2010

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

417108

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2010, I caused the following documents:

Notice of Hearing and Motion Authorizing Order for Rule 2004 Examinations and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first-class mail, postage paid, to the following:

Dennis E. Hecker
1615 Northridge Drive
Medina, MN 55391

William R. Skolnick
Skolnick & Schiff, P.A.
2100 Rand Tower
527 Marquette Avenue S.
Minneapolis, MN 55402

Ralph Thomas
6263 N. Scottsdale Road
Scottsdale, AZ 85250

VisionBank
3000 - 25th Street South
P.O. Box 10008
Fargo, ND 58106

James C. Gustafson

10514 106th Plane North
Maple Grove, MN 55369

Dated: February 23, 2010

/e/ Jill Thorvig

Jill Thorvig
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

417503

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779
Chapter 7

Dennis E. Hecker,

Debtor.

ORDER FOR RULE 2004 EXAMINATIONS

This case is before the court on the motion of Randall L. Seaver, the trustee seeking authorization to conduct the examinations of VisionBank, Ralph Thomas and James C. Gustafson pursuant to Bankruptcy Rule 2004(a) and Local Rule 2004-1(a).

It is ordered:

The trustee's application for authorization to conduct 2004 examinations of VisionBank, Ralph Thomas, and James C. Gustafson is granted.